

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

C.D. by and through his Parent and Legal)	
Guardian VALERIE SCHALK-DAY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:21-cv-00009 (AJT/IDD)
)	
THE SCHOOL BOARD OF FAIRFAX)	
COUNTY,)	
)	
Defendant.)	
)	

ORDER

In this action under the Individuals with Disabilities Education Act, Plaintiff seeks review of the administrative Hearing Officer’s decision denying relief. Presently pending are Defendant’s Motion for Summary Judgment [Doc. No. 35] and Plaintiffs’ Motion for Summary Judgment [Doc. No. 41]. By Report and Recommendation dated March 4, 2022 [Doc. No. 59], the Magistrate Judge recommended that the Court grant Defendant’s Motion for Summary Judgment [Doc. No. 35], deny Plaintiffs’ Motion for Summary Judgment [Doc. No. 41], and affirm the Hearing Officer’s decision. The Magistrate Judge advised the parties that objections to Reports and Recommendations must be filed within fourteen days of service and that failure to object waives appellate review. On March 18, 2022, Plaintiffs filed their Objections to the Magistrate Judge’s Report and Recommendation. [Doc. No. 60].

The Court has conducted a *de novo* review of the administrative record and has considered in detail each of the alleged deficiencies in the administrative proceedings that the Plaintiff has identified in her Objections. Reduced to its core, the central issues before the hearing officer were (1) whether the Plaintiff was entitled to obtain reimbursement for all of the tuition associated with

her son's enrollment at the Little Keswik School; and (2) whether the Defendant offered a free and appropriate public education ("FAPE") for the 2019-2020 and 2020-2021 academic years. The hearing before the hearing officer lasted five days, August 10-14, 2020, during which over a hundred exhibits were submitted and 20 witnesses testified, 18 as experts. Both parties submitted extensive post hearing briefs that exhaustively presented and argued the issues and evidence, together with extensive proposed findings of fact and conclusions of law. On October 7, 2020, the hearing officer timely issued his opinion denying any relief to the Plaintiff based on these issues.¹

Based on its *de novo* review, the Court finds and concludes, as the Magistrate explained in detail, that the Hearing Officer's findings were regularly made, as required, the Hearing Officer identified the correct central issues presented, summarized witness testimony, outlined the relevant legal standards, included findings of fact and legal conclusions and his resulting decision is sufficiently detailed and makes findings that are dispositive of the issues in the case. Accordingly, it is hereby

ORDERED that the Magistrate Judge's Report and Recommendation [Doc. No. 59] be, and the same hereby is, ADOPTED and incorporated herein in its entirety; and it is further

ORDERED that Defendant's Motion for Summary Judgment [Doc. No. 35] be, and the same hereby is, GRANTED; and the Hearing Officer's decision AFFIRMED; and it is further

ORDERED that Plaintiffs' Motion for Summary Judgment [Doc. No. 41] be, and the same hereby is, DENIED.

The Clerk is directed to forward copies of this Order to all counsel of record and enter judgment in favor of the Defendant pursuant to Fed. R. Civ. P. 58.

¹ The hearing officer did award to Plaintiff the reasonable costs associated with certain evaluations of the Plaintiff's son.

Alexandria, Virginia
May 20, 2022



Anthony J. Trenga
United States District Judge